

FILED
U.S. DISTRICT COURT

2014 SEP 25

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DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT G. LUSTYIK, and
JOHANNES THALER,

Defendants.

ORDER REQUIRING
EXPEDITED RESPONSE TO
GOVERNMENT MOTION

Case No. 2:12 CR 645

District Judge Tena Campbell

Magistrate Judge Dustin Pead

On September 25, 2014, the United States filed “Motion to Quash Subpoenas” with accompanying sealed exhibits. (Docket No. 874-875, 877.¹) The government requests certain subpoenas be quashed for either relevance reasons or for failure to comply with applicable *Touhy* regulations relating to Department of Justice personnel under 18 U.S.C. §§ 16.21-16.29. (Docket No. 874.)

Due to the trial setting and the need to resolve this matter as soon as possible, the court orders Defendants to file a response to the motion, if any, by close of business on September 29, 2014. If Defendants do oppose the motion, the court orders they specifically address whether they have in fact complied with applicable *Touhy* regulations (and provide documentary evidence

¹While an order has been signed approving the request to submit the exhibits under seal, the actual sealed exhibits are not currently found on the docket. However, the court assumes counsel is either in receipt of such exhibits presently, or will be by the end of the day.

in support of the same), or clearly set forth any claim (with supporting authority) as to why they are excused from compliance. Further, Defendants must address how such witnesses remain relevant in light of Judge Campbell's rulings given on September 22, 2014, as well as any ruling that might be made during the hearing to be held tomorrow, September 26, 2014.

Upon receipt of any opposition, the court will either request an expedited reply from the government, set the matter for a hearing, or otherwise rule on the matter as the court deems appropriate.

DATED this 25th day of September, 2014.

BY THE COURT


DUSTIN PEAD
United States Magistrate Judge